

EXHIBIT "15"

BUILDING INSPECTOR'S OFFICE

123 Grand Street
Newburgh, NY 12550

Phone: 569-7400
Fax: 569-0096

COMPLAINT

MEMO TO: Bruce

MEMO FROM: Belissa

DATE: 4-28-06

RE: 96 Broadway

COMPLAINT NAME: Michael Gabore

COMPLAINT ADDRESS: _____

COMPLAINT PHONE: _____

_____ WILL MEET INSPECTORS

AT _____ AM/PM ON _____

(TIME) (DATE)

NATURE OF COMPLAINT Floor being added onto
building. No permit for it, NO arc
approval.

EXHIBIT “16”

CITY OF NEWBURGH
CODE COMPLIANCE DEPARTMENT

123 Grand St. Newburgh, NY 12550
Telephone: (845) 569-7400 Fax: (845) 569-0096

Date: 5/2/2006

SBL: 30.-5-22

To: 96 BROADWAY LLC
96 BROADWAY
NEWBURGH, NY 12550

Re: Violation Notice Number: 2006-2637
At: 96 Broadway

Property Owned By: 96 BROADWAY LLC
Premises Occupied By:

PLEASE TAKE NOTICE:

That upon inspection duly made in accordance with the City of Newburgh Code of Ordinances, it appears that there is upon the premises or property located as name above a violation of the NYS Property Maintenance Code. Specifically it is believed that there is a violation of Section: 300-26A CITY CODE

There is reason to believe that said condition is Dangerous to Public Safety AND SHALL BE CORRECTED AT ONCE. Failure to comply with this notice may result in penalty as prescribed by the Ordinances of the City Of Newburgh.

DESCRIPTION OF VIOLATION: 96 BROADWAY
CERTIFICATE OF APPROPRIATENESS.

NO PERSON SHALL CARRY OUT ANY EXTERIOR ALTERATION, RESTORATION, RECONSTRUCTION, DEMOLITION, NEW CONSTRUCTION OR MOVING OF A LANDMARK, NOR SHALL ANY PERSON MAKE ANY MATERIAL CHANGE IN THE APPEARANCE OF SUCH A PROPERTY, IT'S LIGHT FIXTURES, SIGNS, SIDEWALKS, FENCES, STEPS, PAVING OR OTHER EXTERIOR ELEMENTS VISIBLE FROM A PUBLIC STREET OR ALLEY WHICH AFFECT THE APPEARANCE AND COHESIVENESS OF A DISTRICT AND IT DESIGNATED PROPERTIES, WITHOUT FIRST OBTAINING A CERTIFICATE OF APPROPRIATENESS.

CORRECTIVE ACTION NEEDED:

OBTAIN ARC APPROVAL FOR ANY EXTERIOR CHANGES/ EXTERIOR

By Order Of:



You are hereby advised to notify this office when this violation has been corrected by calling the number listed. At that time you should request an appointment for reinspection of the property. If you have any questions concerning this violation, please call this office and request to speak to: BRUCE TERWILLIGER

EXHIBIT “17”

**CITY OF NEWBURGH
CODE COMPLIANCE DEPARTMENT**

123 Grand St. Newburgh, NY 12550
Telephone: (845) 569-7400 Fax: (845) 569-0096

Date: 5/2/2006

SBL: 30.-5-22

To: 96 BROADWAY LLC
96 BROADWAY
NEWBURGH, NY 12550

Re: Violation Notice Number: 2006-2636
At: 96 Broadway

Property Owned By: 96 BROADWAY LLC
Premises Occupied By:

PLEASE TAKE NOTICE:

That upon inspection duly made in accordance with the City of Newburgh Code of Ordinances, it appears that there is upon the premises or property located as name above a violation of the CITY CODE OF ORDINANCE. Specifically it is believed that there is a violation of Section: 122.12 CITY CODE

There is reason to believe that said condition is Dangerous to Public Safety AND SHALL BE CORRECTED AT ONCE. Failure to comply with this notice may result in penalty as prescribed by the Ordinances of the City Of Newburgh.

DESCRIPTION OF VIOLATION: 96 BROADWAY

122.12. NO PERSON SHALL COMMENCE THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REMOVAL, IMPROVEMENT, DEMOLITION, CONVERSION OR CHANGE IN THE NATURE OF THE OCCUPANCY OF ANY BUILDING OR STRUCTURE, OR CAUSE THE SAME TO BE DONE, WITHOUT FIRST OBTAINING A SEPARATE BUILDING PERMIT FROM THE BUILDING OFFICIAL FOR EACH SUCH BUILDING OR STRUCTURE, EXCEPT THAT NO BUILDING PERMIT SHALL BE REQUIRED FOR THE PERFORMANCE OF ORDINARY REPAIRS WHICH ARE NOT STRUCTURAL IN NATURE.

CORRECTIVE ACTION NEEDED:

STOP ALL WORK UNTIL PROPER BUILDING PERMIT IS OBTAINED/ EXTERIOR

By Order Of:



You are hereby advised to notify this office when this violation has been corrected by calling the number listed above. At that time you should request an appointment for reinspection of the property. If you have any questions concerning this violation, please call this office and request to speak to: BRUCE TERWILLIGER

EXHIBIT “18”

123 Grand Street Newburgh, NY 12550
Phone: (845) 569-7400 Fax: (845) 569-0096

Bill Cummings
Director of Code Compliance

5/8/2006

96 BROADWAY LLC
96 BROADWAY
NEWBURGH, NY
12550

LIFTING ORDER TO VACATE

Re: 96 Broadway

Dear 96 BROADWAY LLC

An inspection was made on 5/8/2006 by the Code Compliance Office. This inspection will Lift the Order to Vacate dated 5/2/2006.

Sincerely,


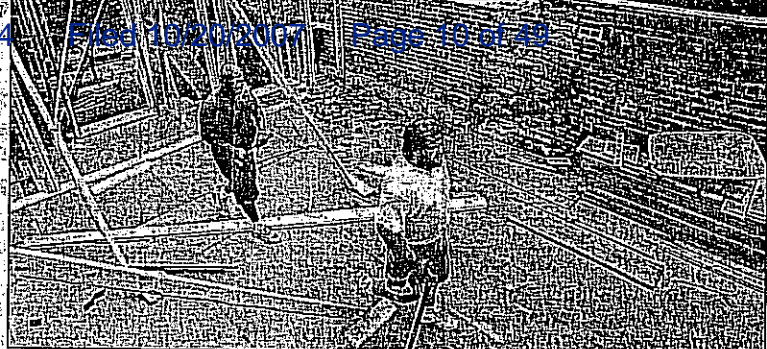

Bill Cummings
Director of Code Compliance

EXHIBIT “19”

Northern Windows Siding & Roofing
OPEN SATURDAYS
 Come visit our showroom, where every day is a Home Show
 772 East Main Street, Middletown
 845-342-9999 www.northernwindows.com

Summer Clearance Sale
 Sub Ends Jan 30th
0% Off
 Selected
 Match'n Dent
 ne of a Kind
 Outputs
 Door Models
FURNITURE OPTIONS
 Route 17M Goshen, NY
 Living Room & Dining • 845-294-8069
 Bedrooms & Serta Sleep Shop • 845-294-5312
 Tues-Thurs 10-6 • Fri 10-8 • Sat 10-5 • Sun 12-4
 www.furnops.com



Times Herald-Record photo by JEFF GOULDING
 Amos Harris, left, of Newburgh and Dan Crandall of Warwick work Thursday on overhauling 96 Broadway in Newburgh. Some residents want to halt the building's reconstruction.

Renovation riles Newburgh locals

By John Doherty
 Times Herald-Record
 jdoherty@th-record.com

Newburgh — To outsiders, the overhaul of 96 Broadway might seem like something Newburgh residents could get giddy about.

The century-old, three-story building is one of the city's many diamonds in the rough: good-looking, but banged up and empty for 18 years.

Now that it's getting a loving — and expensive — face-lift, 96 Broadway would seem set to become another poster child in Newburgh's slow-but-steady renaissance. It has suites of offices and apartments, a brick facade and pressed-tin exterior details.

Instead, the address is now the latest rallying point for residents suspicious of City Hall and skeptical of Newburgh's path to progress.

"What's going on here is very, very wrong. And it's so secretive," said Michael Gabor, one of the residents who have pushed city officials to stop the work at 96 Broadway. "We have people talking about there must be favoritism or payoffs. That's how shady it is."

For now, work has stopped at the downtown building, and renovation plans have been sent back for scrutiny by the city's Architectural Review Commission.

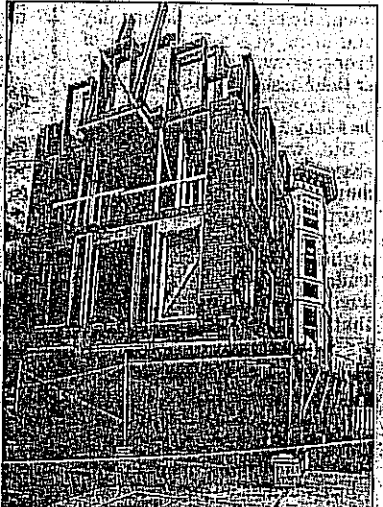
"Someone dropped the ball somewhere along the line, and we got issued a building permit before we were supposed to. I'm sure there are people out there who think it's some big payoff or conspiracy," said Doug Dollinger, a local lawyer managing the renovation for Michael Mollus, a California investor.

"All we are is a group trying to do well by the city. And this is just making a bigger problem."

Critics say the real issue isn't 96 Broadway. The issue is how Newburgh is going about its revitalization. At City Council meetings, on Internet chat rooms and citizen get-togethers, 96 Broadway has attracted the attention of a small but often-effective group of Newburgh residents.

Collectively, they're interested in a raft of slightly high-minded issues: keeping city officials out of closed-door sessions as much as possible, saving historic buildings, and following the money trails of big-ticket public works projects like the new city courthouse and proposed SUNY Orange campus.

"Look, this isn't a make-or-break issue. They're not putting a nuclear power plant here," he said.



The building at the corner of Broadway and Liberty Street in Newburgh will house two apartments and office space, a new plant in there (96 Broadway), says Michael Curry, who has filed Freedom of Information Law requests concerning 96 Broadway and spoken out about the project at City Council meetings.

Curry, like many city hall watchdogs, is a relative newcomer to the city. His interest in local government started when he went before the Architectural Review Commission to make improvements to his Grand Street town house.

In reviewing the building department file for 96 Broadway, he found that developers did not get ARC approval before receiving a building permit.

"This building is right in the heart of the city, in a really prominent position," said Curry. "If it's not being watched, what else is falling by the wayside?"

Bill Cummings, the city's code enforcement chief, admits that as the scope of the work on 96 Broadway increased, he should have required the project to get ARC approval.

"I blew it," Cummings says. "With all the projects going on in the city, this one got past me. It's my fault."

Dollinger said his application for 96 Broadway is completed and ready to go before ARC. He hopes to get approval quickly. To date, the project's costs are estimated at \$250,000 and counting.

"In my opinion, the city needs to take a long, hard look at how it goes about rebuilding itself," he said.

EXHIBIT “20”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

FILED
ORANGE COUNTY CLERK

2006 JUN -5 AM 11: 53

96 BROADWAY, LLC, MICHAEL MOLUS and
DOUGLAS R. DOLLINGER, ESQ,

Plaintiff(s),

-against-

MICHAEL GABOR, and JOHN and JANE DOES 1
through 50,

Defendant(s).

SUMMONS
(Slander and Libel)

2006-4378

Index No: 06/
Date purchased
June 5, 2006

JUN 5 2006

TO: MICHAEL GABOR, and JOHN and JANE DOES 1 through 50:

You are hereby summoned and required to serve upon plaintiff's attorney an answer to the complaint in this action within twenty (20) days after the service of summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

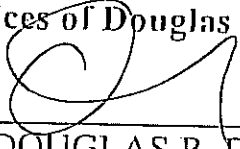
The basis of the venue designated is the place of occurrence. Plaintiffs designate Orange County as the place of trial.

Dated: June 5, 2006
Newburgh, New York

Summons-Verified Complaint- Verification

Law Offices of Douglas R. Dollinger and Associates
96 Broadway, City of Newburgh, Newburgh, New York 12550 * 845.562.9601

Law Offices of Douglas R. Dollinger and Associates


By: DOUGLAS R. DOLLINGER, ESQ.

Attorney for Plaintiff(s)

96 Broadway

Newburgh, New York 12550

(845) 562-9601

DEFENDANT'S ADDRESS:

MICHAEL GABOR,

and JOHN and JANE DOES 1 through 50,

297 Grand Street

Newburgh, New York 12550

Summons-Verified Complaint- Verification

Law Offices of Douglas R. Dollinger and Associates

96 Broadway, City of Newburgh, Newburgh, New York 12550 * 845.562.9601

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
96 BROADWAY, LLC, MICHAEL MOLUS and
DOUGLAS R. DOLLINGER, ESQ,

Plaintiff(s),

-against-

MICHAEL GABOR, and JOHN and JANE DOES 1
through 50,

Defendant(s).
-----X

)
)
) VERIFIED COMPLAINT
) (Slander and Libel)

) Index No: 06/

) Date purchased

) June 5, 2006

JUN 5 2006

2006 - 4371

Plaintiff(s) complaining of the Defendant, MICHAEL GABOR and for
causes of action allege as follows:

1. Plaintiff, MICHAEL MOLUS is an individual and is now, and at all
times hereinafter mentioned in this complaint was, a resident of Palm Desert,
Riverside County, California.

2. Plaintiff 96 Broadway, LLC is now, and at all times hereinafter
mentioned in this complaint was, a corporation organized and existing under the
laws of the State of New York.

3. Plaintiff, MICHAEL MOLUS is an investor and/or shareholder of 96
Broadway LLC.

Summons-Verified Complaint- Verification

4. Plaintiff, DOUGLAS R. DOLLINGER ("DOLLINGER") is an individual and is now, and at all times mentioned in this complaint was, a resident of Orange County, New York.

5. Defendant MICHAEL GABOR is an individual, was, is now, and at all times mentioned in this complaint a resident of Orange County, State of New York.

6. The true names of defendants DOES 1 through 50 inclusive, are unknown to plaintiff(s) at this time. Plaintiff sues those defendants by such fictitious names and is informed and believes, and based on that information and belief alleges, that each of the defendants designated as a DOE is legally responsible for the events and happenings referred to in this complaint, and unlawfully caused the injuries and damages to plaintiff(s) alleged in this complaint.

7. Plaintiff(s) are informed and believe, and based on that information and belief allege, that at all times mentioned in this complaint, each defendant was/were the agents and/or employees, members of an association-in-fact of each co-defendant MICHAEL GABOR and DOES 1-50 and in doing the things alleged in this complaint were acting within the course and scope of such agency and

Summons-Verified Complaint- Verification

employment or other association-in-fact or are otherwise individually responsible for the claims of slander and libel.

8. Plaintiff, DOLLINGER is an attorney duly licensed to practice law in the State of New York.

9. Plaintiff DOLLINGER has worked as an attorney in this community and in Orange County, New York for in excess of 15 years.

10. Plaintiff DOLLINGER has during all this time enjoyed a good reputation, both generally and in his person and profession.

11. At all times hereinafter mentioned, Plaintiff, DOLLINGER was managing a certain renovation project located at 96 Broadway owned by 96 Broadway LLC (hereinafter the premises), City of Newburgh, Newburgh, New York, County of Orange, State of New York.

12. That at all times hereinafter mentioned 96 Broadway LLC paid for obtained and undertook reconstruction of the premises pursuant to a building permit lawfully issued by the City of Newburgh Building Department.

13. On or about June 3, 2006, defendant(s) made certain derogatory, false and otherwise misleading factual statements to members of the news media intending to injure the plaintiffs in their personal and business reputations and in their property concerning the issuance of said building permit.

Summons-Verified Complaint- Verification

14. The statements so made referred to plaintiff(s) and were made of and concerning plaintiff(s), and was so understood by those who read said publication to be illegal acts committed by plaintiff(s) in so obtaining said building permit, including: "What's going on here is very, very wrong. And it so secretive" "We have people talking about favoritism or payoffs. That's how shady it is."

15. The entire statements was and is false as it pertains to plaintiff(s) and the defendants knew that said statements were false and otherwise intended to injure plaintiffs.

16. The newspaper article is libelous on its face. It clearly exposes plaintiff(s) to hatred, contempt, ridicule and obloquy because it charges plaintiff(s) with having committed and been part of a criminal act, inclusive of illegal payoffs in obtaining a building permit.

17. The newspaper article was seen and read on or about June 3, 2006, in the Times Herald Record in Orange County, New York by multiple members of the community.

18. As a proximate result of the above-described publication, plaintiff(s) have suffered loss of their reputation, shame, mortification, and injury to their feelings, all to their damage in the amount to be established by proof at trial.

Summons-Verified Complaint- Verification

Law Offices of Douglas R. Dollinger and Associates
96 Broadway, City of Newburgh, Newburgh, New York 12550 * 845.562.9601

19. The above-described publication was not privileged because it was caused to be published by defendants with malice, hatred and ill will toward plaintiff(s) and the desire to injure them in that defendants had expressed a desire to stop the restoration and reconstruction on the build known as 96 Broadway.

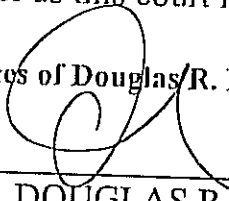
20. Because of defendants' malice in publishing said statements, plaintiff(s) seek punitive damages in a total amount to be established by proof at trial, but in no event to be less than Five Million Dollars (\$5,000,000.00) Dollars.

WHEREFORE, plaintiff(s) demands judgment against defendants, and each of them, for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

Dated: June 3, 2006

Law Offices of Douglas R. Dollinger and Associates


By: DOUGLAS R. DOLLINGER, ESQ.
Attorney for Plaintiff(s)
96 Broadway
Newburgh, New York 12550
(845) 562-9601

Summons-Verified Complaint- Verification

Law Offices of Douglas R. Dollinger and Associates
96 Broadway, City of Newburgh, Newburgh, New York 12550 * 845.562.9601

VERIFICATION

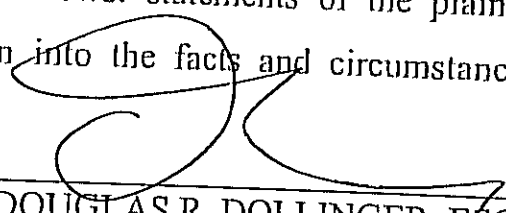
State of New York)

) SS.:

County of Orange)

DOUGLAS R. DOLLINGER, ESQ., being duly sworn, deposes and says, that deponent is a Plaintiff herein a principle and of counsel to **The Law Offices of Douglas R. Dollinger and Associates, P.C.**, and is admitted to practice in the courts of New York State. The firm is the attorney of record for the plaintiff(s) in the within action; that deponent has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters deponent believes them to be true. Your deponent further states that the reason your deponent makes the within verification as one of the plaintiff(s) is that the remaining plaintiff(s) are corporate entities or otherwise reside in a county other than the county where their firm maintains its offices.

The grounds for your deponent's beliefs as to matters not stated upon your deponent's own knowledge are as follows: statements of the plaintiff(s) and deponents own general investigation into the facts and circumstances of this action.



DOUGLAS R. DOLLINGER, ESQ.

Sworn to before me this 5th
day of June 2006


SHIRLEY B. HADDEN

NOTARY PUBLIC, State of New York

Qualified in Orange County

Commission Expires October 31, 2006 

Summons-Verified Complaint- Verification

Law Offices of Douglas R. Dollinger and Associates
96 Broadway, City of Newburgh, Newburgh, New York 12550 * 845.562.9601

EXHIBIT "21"

123 Grand St. Newburgh, NY 12550

Telephone: (845) 569-7400 Fax: (845) 569-0096

Date: 6/2/2006

SBL: 30.-5-22

To: 96 BROADWAY LLC
96 BROADWAY
NEWBURGH, NY 12550

Re: Violation Notice Number: 2006-3635
At: 96 Broadway

Property Owned By: 96 BROADWAY LLC
Premises Occupied By:

PLEASE TAKE NOTICE:

That upon inspection duly made in accordance with the City of Newburgh Code of Ordinances, it appears that there is upon the premises or property located as name above a violation of the CITY CODE OF ORDINANCE. Specifically it is believed that there is a violation of Section: 122.20(A) CITY CODE

There is reason to believe that said condition is Dangerous to Public Safety AND SHALL BE CORRECTED AT ONCE. Failure to comply with this notice may result in penalty as prescribed by the Ordinances of the City Of Newburgh.

DESCRIPTION OF VIOLATION: 96 BROADWAY

122.20(A). WHENEVER THE BUILDING OFFICIAL HAS REASONABLE GROUNDS TO BELIEVE THAT WORK ON ANY BUILDING OR STRUCTURE IS BEING PROSECUTED IN VIOLATION OF THE PROVISIONS OF THE APPLICABLE BUILDING PERMIT AS ISSUED OR IN AN UNSAFE AND DANGEROUS MANNER, HE SHALL NOTIFY THE OWNER OF THE PROPERTY OR THE OWNER'S AGENT OR THE PERSON PERFORMING THE WORK TO SUSPEND ALL WORK, AND ANY SUCH PERSON SHALL FORTHWITH STOP SUCH WORK AND SUSPEND ALL BUILDING ACTIVITIES UNTIL THE STOP ORDER HAS BEEN RESCINDED.

CORRECTIVE ACTION NEEDED:

STOP WORK! EXISTING CONSTRUCTION DOES NOT REFLECT APPROVED DRAWINGS. CEASE AND DESIST ALL WORK UNTIL DRAWINGS ARE AMENDED AND APPROVED BY THIS OFFICE.

By Order Of:



You are hereby advised to notify this office when this violation has been corrected by calling the number listed above. At that time you should request an appointment for reinspection of the property. If you have any questions concerning this violation, please call this office and request to speak to: BRUCE TERWILLIGER

CITY OF NEWBURGH

Work on This Building is to

STOP

For Violations of Building Codes as Indicated:-

☒ ELECTRICAL

☒ GENERAL CONSTRUCTION

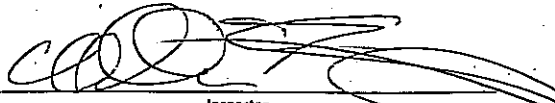
☐ PLUMBING

☐ OTHER

☐ HEATING

By Order

6/2/06
Date


Inspector

96 BROADWAY

EXHIBIT "22"

ORIGINAL

APPLICATION FOR ARCHITECTURAL
REVIEW COMMISSION
CITY OF NEWBURGH

123 GRAND STREET

PHONE 569-7400

AR NUMBER 2006-39 DATE SUBMITTED 6-2-06

MEETING DATE 6-13-06

INSTRUCTIONS

This application must be completely filled in by typewriter or printed in ink and submitted to the building inspectors office. If the applicant is not the owner, a letter must accompany this application from the owner giving permission for the work to be done on said property.

Please include a drawing showing the location of lot and buildings on premises, relationship to adjoining premises or public streets or areas. A description of the layout of the property must be on the diagram, which is a part of this application, or be drawn as a separate item and submitted with this application.

This application must describe the nature and scope of the work to be performed, the materials and equipment to be used and details of structural installations.

LOCATION OF PROPERTY: 96 BROADWAY

(GIVE STREET NUMBER AND NAME OR NAME AND DISTANCE FROM NEAREST CROSS STREET)

OWNERS NAME: 96 Broadway LLC

OWNERS ADDRESS: 96 Broadway, Newburgh, NY 12550

OWNERS PHONE: 845-562-9601

PLACE PICTURE HERE:

PLEASE NOTE: FAILURE TO SUBMIT PICTURE WITH APPLICATION WILL
CONSTITUTE NO REVIEW OF THE APPLICATION BY THE ARCHITECTURAL
REVIEW COMMISSION**

30
5
22

**APPLICATION FOR ARCHITECTURAL
REVIEW COMMISSION
CITY OF NEWBURGH**

1. Nature of work to be performed: (Check which is applicable)

Addition: ☒ Alteration: ☒ Repair: ☒

Demolition: ☐ Other: ☐

Doors: ☒ Roof: ☒ Windows: ☒ Sign: ☐

Soffits: ☐ Cornices: ☒ Fences: ☐ Decks: ☐

Pointing: ☐ Spindles: ☐ Railings: ☐ Steps: ☒

Recommendation to Planning Board: ☐

Recommendation to Zoning Board of Appeals: ☐

2. Total square footage of proposed building: N/A
IF NEEDED

3. Size of lot: N/A

4. Name of Engineer or Architect: ERIC KNUTE OSBORN
IF NEEDED

Address: 7 JOYCE PLACE, STONY POINT, N.Y. 10980

Phone: 845-496-9000

5. Name of Contractor: MAXIMUM SOLUTIONS

Address: PO Box 47, Bellvale, NY 10912

Phone: 845-597-4377

PROVIDE A BRIEF DESCRIPTION OF THE FOLLOWING: Attach product literature, photo's, sketches, etc. of work.

- Description of work to be done, materials being used, dimensions of work, color of paint being used, etc.:

ADDITION, ALTERATIONS, REPAIR

DOORS, ROOF, WINDOWS, STEPS, CROCK, FINIALS

COLUMNS, DECORATIVE CORNICES

Beige + white paint

Variance or Special Permit: For recommendations only; Please circle one or both whichever applies.

Please explain what variance or special use permit is for: N/A

APPLICATION FOR ARCHITECTURAL
REVIEW COMMISSION
CITY OF NEWBURGH

STARTING DATE: March 2006

TO BE FINISHED SIX MONTHS FROM STARTING DATE: October 2006

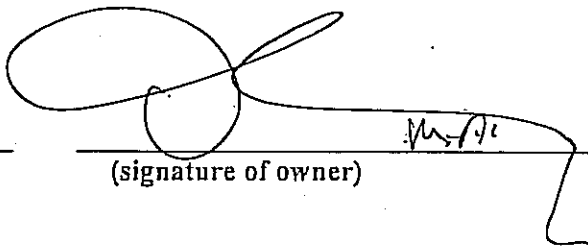
DRAW SKETCH HERE:

See Amed sketch Photo

I UNDERSTAND AND AGREE THAT NO WORK ON THIS REQUEST SHALL
COMMENCE UNTIL WRITTEN APPROVAL HAS BEEN GIVEN BY THE
ARCHITECTURAL REVIEW COMMISSION AND APPROVAL FROM THE
BUILDING INSPECTOR.

PRINT NAME AND SIGN

D. Dollinger


(signature of owner)

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:



A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.



B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.*



C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

96 Broadway LLC

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action 96 Broadway LLC

Location of Action (include Street Address, Municipality and County)

96 Broadway, Newburgh, NY 12550 Orange CountyName of Applicant/Sponsor Law Office of Douglas R. DollingerAddress 96 BroadwayCity/PO Newburgh State NY Zip Code 12550Business Telephone 845-562-9601

Name of Owner (if different) _____

Address _____

City/PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: NA acres.

APPROXIMATE ACREAGE

	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24.25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? NA

- a. Soil drainage: ☐ Well drained _____ % of site ☐ Moderately well drained _____ % of site.
☐ Poorly drained _____ % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock _____ (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% _____ % ☐ 10-15% _____ % ☐ 15% or greater _____ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? NA (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

NA

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

NA

b. Size (in acres):

17. Is the site served by existing public utilities?

☒ Yes☐ No

a. If YES, does sufficient capacity exist to allow connection?

☒ Yes☐ No

b. If YES, will improvements be necessary to allow connection?

☒ Yes☐ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?

☐ Yes☒ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617?

☐ Yes☒ No

20. Has the site ever been used for the disposal of solid or hazardous wastes?

☐ Yes☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: 1/4 acres.b. Project acreage to be developed: NA acres initially; _____ acres ultimately.c. Project acreage to remain undeveloped: NA acres.d. Length of project, in miles: NA (if appropriate)e. If the project is an expansion, indicate percent of expansion proposed. 20 %

f. Number of off-street parking spaces existing _____; proposed _____

OWNER HAS PROVIDED SEPERATE PARKING LOT IN EXCESS OF LIMITED AMOUNT OF PARKING SPACES

g. Maximum vehicular trips generated per hour: NA (upon completion of project)?h. If residential: Number and type of housing units: NA

One Family

Two Family

Multiple Family

Condominium

Initially

Ultimately

i. Dimensions (in feet) of largest proposed structure: _____ height: _____ width: _____ length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? NA tons/cubic yards.

3. Will disturbed areas be reclaimed?

☐ Yes☐ No☒ N/A

a. If yes, for what intended purpose is the site being reclaimed?

--

b. Will topsoil be stockpiled for reclamation?

☐ Yes☐ No NA

c. Will upper subsoil be stockpiled for reclamation?

☐ Yes☐ No NA4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: 6 months, (including demolition)

7. If multi-phased: NA

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction 6 : after project is complete 25

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☐ Yes ☒ No

a. If yes, what is the amount per month? _____ tons

b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No

c. If yes, give name _____ : location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☐ Yes ☒ No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.

23. Total anticipated water usage per day NA gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dept of Building	March 06
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☐ Yes ☒ No

If Yes, indicate decision required:

- | | | | |
|-------------------------------------------|---------------------------------------------|------------------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

NA

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

NA

4. What is the proposed zoning of the site?

NA

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

NA

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

☒ Yes

☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Commercial
Retail
RESTAURANTS

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

☒ Yes

☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed?

NA

a. What is the minimum lot size proposed?

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand?

☐ Yes ☒ No

12. Will the proposed action result in the generation of traffic significantly above present levels?

☐ Yes ☐ No

a. If yes, is the existing road network adequate to handle the additional traffic.

☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name LAW OFFICES OF DOUGLAS R. DOLLINGER Date 6-2-06

Signature 

Title ATTORNEY FOR 96 BROADWAY LLC

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- Maybe answers should be considered as Yes answers.
- If answering Yes to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an Impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO ☒ YES ☐

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

Specific land forms:

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.

• Dredging more than 100 cubic yards of material from channel of a protected stream.

• Extension of utility distribution facilities through a protected water body.

• Construction in a designated freshwater or tidal wetland.

• Other impacts:

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.

• Construction of a body of water that exceeds 10 acres of surface area.

• Other impacts:

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
-------------------------------------	-----------------------------------	------------------------------------------------------

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| • Proposed Action will require a discharge permit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction or operation causing any contamination of a water supply system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will adversely affect groundwater. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|
| Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------------------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.

☐ ☐ ☐ Yes ☐ No

• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.

☐ ☐ ☐ Yes ☐ No

• Other impacts:

☐ ☐ ☐ Yes ☐ No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)

☐ ☐ ☐ Yes ☐ No

• Construction activity would excavate or compact the soil profile of agricultural land.

☐ ☐ ☐ Yes ☐ No

• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.

☐ ☐ ☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

• Other Impacts:

☐ ☐ ☐ Yes ☐ No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

☒ NO ☐ YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.

☐ ☐ ☐ Yes ☐ No

• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.

☐ ☐ ☐ Yes ☐ No

• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.

☐ ☐ ☐ Yes ☐ No

• Other Impacts:

☐ ☐ ☐ Yes ☐ No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

☒ NO ☐ YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.

☐ ☐ ☐ Yes ☐ No

• Any impact to an archaeological site or fossil bed located within the project site.

☐ ☐ ☐ Yes ☐ No

• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.

☐ ☐ ☐ Yes ☐ No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Other impacts:

☐☐☐ Yes☐ No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?



NO



YES

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.

☐☐☐ Yes☐ No

- A major reduction of an open space important to the community.

☐☐☐ Yes☐ No

- Other impacts:

☐☐☐ Yes☐ No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?



NO



YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- Proposed Action to locate within the CEA?

☐☐☐ Yes☐ No

- Proposed Action will result in a reduction in the quantity of the resource?

☐☐☐ Yes☐ No

- Proposed Action will result in a reduction in the quality of the resource?

☐☐☐ Yes☐ No

- Proposed Action will impact the use, function or enjoyment of the resource?

☐☐☐ Yes☐ No

- Other impacts:

☐☐☐ Yes☐ No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|----------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

3 Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☒ NO ☐ YES

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
--	-------------------------------------	-----------------------------------	------------------------------------------------------

Proposed Action will set an important precedent for future projects.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	----------------------------------------------------------

Proposed Action will create or eliminate employment.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	----------------------------------------------------------

Other impacts:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------	--------------------------	----------------------------------------------------------

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

☒ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

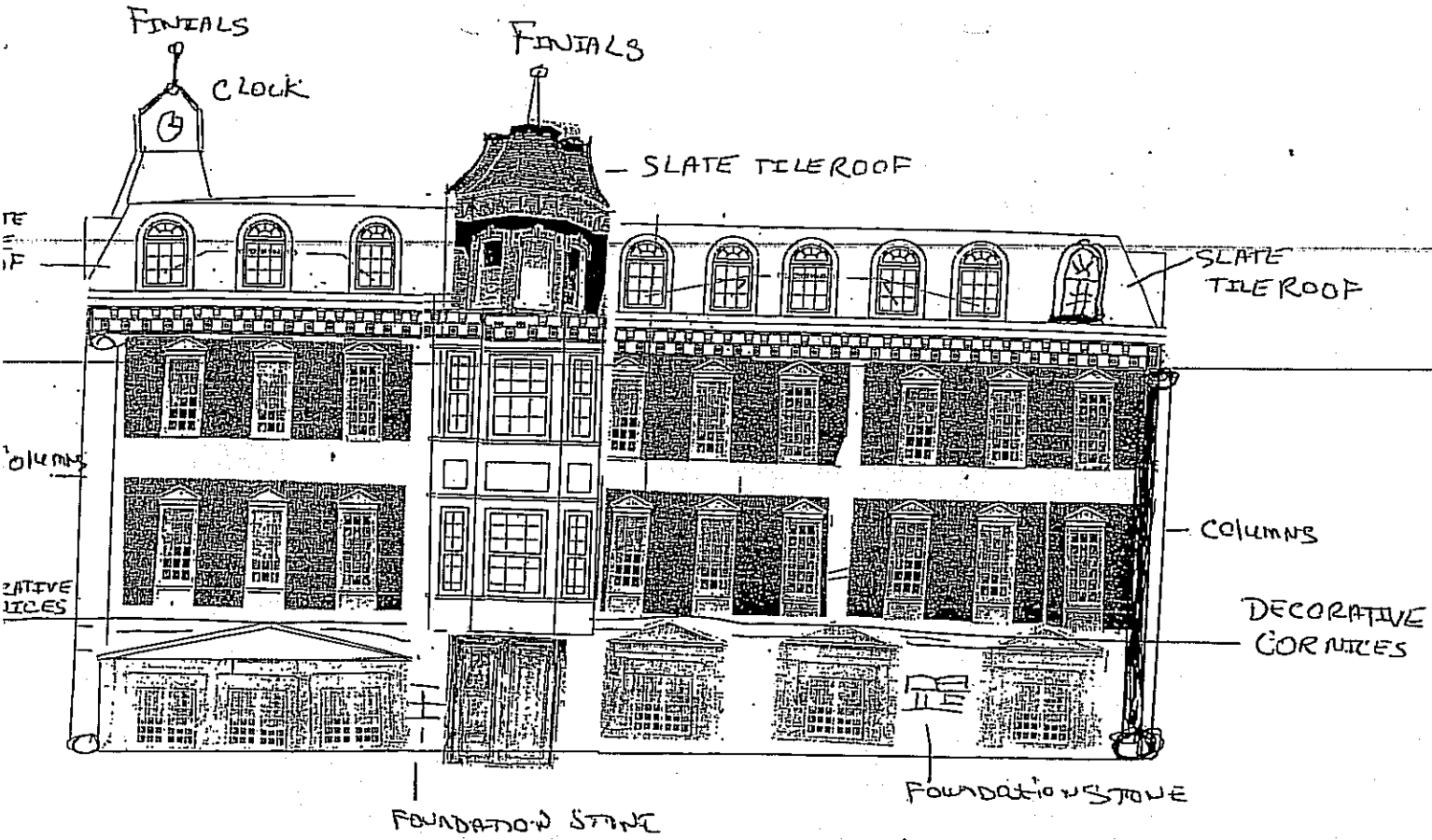
Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.



96 BROADWAY, LLC
204 MAIN STREET
GOSHEN, NY 10924

1123

PAY TO THE ORDER OF

PAY TO THE ORDER OF	CITY of Newburgh
	Twenty - 16 1/2 dollars -

Bank of America

432

Goshen, New York

FOR Application Res

001123 10213000191 95017 61968

105

DATE 6-2-06

29-1/213
9501761956

50/100 DOLLARS

**Bellamy Patent
Medicine
Selling in Bulk.**

96 BROADWAY LLC
204 MAIN STREET
GOSHEN, NY 10924

1124

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PAY TO THE ORDER OF	cash
For	newburg
dollars	

Bank of America

27525

ASME

FOR Public Health, Lohr Etc

11:00 1.1.24 1:02 1.3000 1.91: 950 1? 6 1.968

NT

DATE 6-2-06

29-1/213
9501761968

\$40.00
DOLLARS 00

**PROPERTY POLICY
DECLARATION
OWNER'S USE ONLY**